

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR WAYNE COUNTY)

Case No. 89S00-1301-MS- 79

ORDER APPROVING AMENDED LOCAL RULE

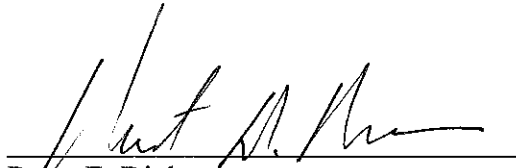
The Judges of the Wayne Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Wayne Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR89-AR-15-001 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR89-AR-15-001 for Wayne Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2013. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Darrin M. Dolehanty, Wayne Superior Court 3, 301 East Main Street, Richmond, IN 47374-4200; the Hon. Gregory A. Horn, Wayne Superior Court 2, 301 East Main Street, Richmond, IN 47374-4200; the Hon. David Andrew Kolger, Wayne Circuit Court, 301 East Main Street, Richmond, IN 47374-4200; the Hon. Charles K. Todd, Wayne Superior Court 1, 301 East Main Street, Richmond, IN 47374-4200; to the Clerk of the Wayne Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Wayne Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 28th day of January, 2013.


Brent E. Dickson

ACTING Chief Justice of Indiana

WAYNE COUNTY ADMINISTRATIVE RULES

Passed by the Wayne County Bar Association Effective January 1, 2013

LR89-AR15-001 COURT REPORTER SERVICES

The undersigned Courts comprise all of the Courts of record of Wayne County, Indiana and hereby adopt the following local rule by which Court Reporter services shall be governed.

Section One. Definitions. The following definitions shall apply under this local rule:

- (1) *A Court Reporter* is a person who is specifically designated by a Court to perform the official court reporting services for the Court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other devices used for recording and storing, and transcribing electronic data.
- (3) *Work space* means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to actual space in the courtroom and/or any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the County but remain the same for each work week.
- (7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Wayne County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

Section Two. Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction, and direct supervision of their supervising Court.

(2) The fee a Court Reporter shall charge for the preparation of a *county indigent transcript* shall be as follows:

(a) A minimum fee of \$44.00 for any transcript eleven pages or less;

(b) \$4.00 per page, including the Index and Table of Contents;

(c) An additional labor charge approximating the hourly rate based upon the Court Reporter's annual Court compensation for the time spent proof reading, binding the transcript and preparing the exhibit binders.

(3) The fee a Court Reporter shall charge for the preparation of a *State indigent transcript* shall be as follows:

(a) A minimum fee of \$44.00 for any transcript eleven (11) pages or less;

(b) \$4.00 per page, including the Index and Table of Contents;

(c) An additional labor charge approximating the hourly rate based upon the Court Reporter's annual Court compensation for the time spent proof reading, binding the transcript and preparing the exhibit binders.

(4) The fee a Court Reporter shall charge for the preparation of a *private transcript* shall be as follows:

(a) A minimum fee of \$44.00 for any transcript eleven (11) pages or less;

(b) \$4.00 per page, including the Index and Table of Contents;

(c) An additional labor charge approximating the hourly rate based upon the Court Reporter's annual Court compensation for the time spent proof reading, binding the transcript and preparing the exhibit binders.

(5) The per page fee a Court Reporter shall charge for a COPY of any transcript shall be \$1.00.

(6) Each Court Reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court, Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three. Private Practice - Depositions.

(1) With permission of the supervising Court, if a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the Court Reporter desires to utilize the Court's equipment, work space, and supplies, and the Court agrees to the use of the Court equipment for such purpose, the Court and the Court Reporter shall enter into a written agreement which must, at a minimum designate the following:

(a) The reasonable market rate for the use of the equipment, work space, and supplies;

(b) The method by which records are to be kept for the use of equipment, work space, and supplies; and,

(c) The method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space, and supplies.

(2) If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.